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Convicted Spy Asks for Bail to Appeal His Case

David Truong, the Vietnamese anti-war leader convicted of spying against the United States, has asked the Supreme Court to free him on \$100,000 bail while he appeals his conviction.

Justice William J. Brennan Jr. yesterday asked the government to reply to Truong's request by Wednesday.

Truong was convicted last May 19 in Alexandria of funneling classified diplomatic cables to the Vietnamese in Paris. Former United States Information Agency employe Ronald L. Humphrey was convicted along with Truong of stealing the documents from his USIA office and giving them to Truong. Both were sentenced this month by U.S. District Judge Albert V. Bryan Jr. to 15 years in prison.

Bryan revoked Truong's bond of \$250,000, which he had posted with help from his sister in Los Angeles and from church groups. Humphrey's bond of \$150,000 also was revoked by Bryan.

In his application to Brennan, Truong's lawyers outlined issues for the appeal they plan to file with the Fourth U.S. Circuit Court of Appeals in Richmond to try to overturn Truong's conviction. They cited the use of warrantless wire taps and microphone surveillance against Truong, and Bryan's definition of national defense at the trial, which "invited the jury to regard diplomatic gossip as the proper subject of an espionage prosecution."

The lawyers also said the government applied a novel use of a federal theft statute that "as interpreted by the government and the District Court would authorize prosecution of newspaper reporters for receiving 'leaked' information from government sources."